

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

ZOHAR III, CORP., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-10512 (KBO)

Jointly Administered

ZOHAR CDO 2003-1, LIMITED; ZOHAR II  
2005-1, LIMITED; and ZOHAR III,  
LIMITED; ZOHAR II 2005-1, CORP.;

Plaintiffs,

v.

PATRIARCH PARTNERS, LLC;  
PATRIARCH PARTNERS VIII, LLC;  
PATRIARCH PARTNERS XIV, LLC;  
PATRIARCH PARTNERS XV, LLC;  
PHOENIX VIII, LLC; OCTALUNA LLC;  
OCTALUNA II LLC; OCTALUNA III LLC;  
ARK II CLO 2001-1, LIMITED; ARK  
INVESTMENT PARTNERS II, LP; ARK  
ANGELS VIII, LLC; PATRIARCH  
PARTNERS MANAGEMENT GROUP, LLC;  
PATRIARCH PARTNERS AGENCY  
SERVICES, LLC; and LYNN TILTON,

Defendants, and

180S, INC.; BLACK MOUNTAIN DOORS,  
LLC; CROSCILL HOME, LLC; DURO  
TEXTILES, LLC; GLOBAL AUTOMOTIVE  
SYSTEMS, LLC; HERITAGE AVIATION,  
LTD.; INTREPID U.S.A., INC.; IMG  
HOLDINGS, INC.; JEWEL OF JANE, LLC;  
MOBILE ARMORED VEHICLES, LLC;  
SCAN-OPTICS, LLC; SILVERACK, LLC;  
STILA STYLES, LLC; SNELLING  
STAFFING, LLC; VULCAN

Adv. Pro. No. 20-50534

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<sup>1</sup> The Debtors, and, where applicable, the last four digits of their taxpayer identification number are as follows: Zohar III, Corp. (9612), Zohar II 2005-1, Corp. (4059), Zohar CDO 2003-1, Corp. (3724), Zohar III, Limited (9261), Zohar II 2005-1, Limited (8297), and Zohar CDO 2003-1, Limited (5119). The Debtors' address is c/o FTI Consulting, Inc., 1166 Avenue of the Americas, 15<sup>th</sup> Floor, New York, NY 10036.

ENGINEERING, INC; and XPIENT  
SOLUTIONS, LLC,

Nominal Defendants.

PATRIARCH PARTNERS VIII, LLC;  
PATRIARCH PARTNERS XIV, LLC;  
PATRIARCH PARTNERS XV, LLC;  
OCTALUNA LLC; OCTALUNA II LLC;  
OCTALUNA III LLC; PATRIARCH  
PARTNERS AGENCY SERVICES, LLC; and  
PATRIARCH PARTNERS, LLC,

Counterclaim and Third-Party  
Claimants,

-against-

ZOHAR CDO 2003-1, LIMITED; ZOHAR  
CDO 2003-1, CORP., ZOHAR II 2005-1,  
LIMITED; ZOHAR II 2005-1, CORP.;  
ZOHAR III, LIMITED; and ZOHAR III  
CORP.

Counterclaim and Third-Party  
Defendants.

**CERTIFICATION OF COUNSEL REGARDING  
ORDER APPROVING SCHEDULING STIPULATION**

The undersigned counsel to the above-captioned plaintiffs (the “Plaintiffs”) and their affiliated debtors (collectively, the “Debtors”) hereby certifies as follows:

1. On March 9, 2020, the Plaintiffs commenced the above-captioned adversary proceeding (the “Adversary Proceeding”) by filing a complaint [Adv. D.I. 2] against the above-captioned defendants (the “Defendants”).
2. On March 18, 2022, the Plaintiffs filed their Corrected Second Amended Complaint [Adv. D.I. 171].

3. On April 11, 2022, the Defendants filed their Amended Answer to the Corrected Second Amended Complaint [Adv. D.I. 175] (the “Amended Answer”), asserting counterclaims against Plaintiffs and third-party claims against debtor Zohar III, Corp. (collectively with Plaintiffs, the “Counterclaim and Third-Party Defendants,” and together with Defendants, the “Parties”).

4. On May 6, 2022, the Court entered the *Order Approving Scheduling Stipulation* [Adv. 184] establishing (i) the deadline for the Counterclaim and Third-Party Defendants to respond to the counterclaims and third-party claims asserted in the Amended Answer as June 15, 2022, and (ii) a briefing schedule that would apply if and to the extent the Counterclaim and Third-Party Defendants moved to dismiss any of the counterclaims and third-party claims asserted in the Amended Answer.

5. The Parties have conferred regarding the procedural posture of the Adversary Proceeding and a potential near term briefing schedule, and have entered into a stipulation (the “Stipulation”), which is annexed as Exhibit 1 to the proposed order attached hereto as Exhibit A (the “Proposed Order”). The Defendants have consented to the entry of the Proposed Order.

6. Subject to the Court’s approval, the Stipulation provides that: (i) the Defendants shall file their second amended answer and counterclaims (the “Second Amended Answer”) by June 20, 2022; (ii) the deadline for responding to the counterclaims and third-party claims asserted in the Second Amended Answer is August 1, 2022; (iii) to the extent a motion to dismiss is filed with respect to any counterclaims and third-party claims asserted in the Second Amended Answer (the “Motion to Dismiss”), then (a) any answering brief in opposition to the Motion to Dismiss shall be filed by September 19, 2022, and (b) any reply brief in support of the Motion to Dismiss shall be filed by October 10, 2022.

WHEREFORE, the Plaintiffs respectfully request that the Court enter the Proposed Order approving the Stipulation at its earliest convenience without need for further notice or a hearing.

Dated: June 15, 2022  
Wilmington, Delaware

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